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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,290	10/14/2003	Jennifer Victoria Davies	SACO121711	9822
26389	7590	12/11/2006	EXAMINER RANGREJ, SHEETAL	
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347			ART UNIT 3626	

DATE MAILED: 12/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/685,290	Applicant(s) DAVIES ET AL.	
	Examiner Sheetal R. Rangrej	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/22/2004</u> | 6) <input type="checkbox"/> Other: ____  |

***Prosecution History Summary***

- Claims 1-27 are pending.

***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "102", "104" and "106" have all been used to designate Customer Service; "136", "162", "180", "200", "208", "222", "228", "234", "238", "258", and "290" have all been used to designate Screen Display; "170" and "184" have both been used to designate Link. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheets should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 21-27 are rejected under 35 U.S.C. 101.

Referring to claims 21-27. Claims to computer-related inventions that are clearly nonstatutory fall into the same general categories as nonstatutory claims in other arts, namely natural phenomena such as magnetism, and abstract ideas or laws of nature, which constitute "descriptive material." Abstract ideas, *Warmerdam*, 33 F.3d at 1360, 31 USPQ2d at 1759, or the mere manipulation of abstract ideas, *Schrader*, 22 F.3d at 292-93, 30 USPQ2d at 1457-58, are not patentable. Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." In this context, "functional descriptive material" consists of data structures and computer programs, which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) "Nonfunctional descriptive material" includes but is not limited to music, literary works and a compilation or mere arrangement of data. Both types of "descriptive material" are nonstatutory when claimed as descriptive material per se. *Warmerdam*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Claims 21-27 fail to recite a

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computer program that is embodied on a computer-readable medium. The claims are merely directed to a computer program per se.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-18 and 20-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Hanby et al. (U.S. Patent 7,143,051).

6. As per claim 1, Hanby teaches a method for online processing of a life insurance application, comprising:

- a. Receiving information via an electronic data communications link that identifies an individual to be insured and describes the insurability of the individual (Hanby: column 3, lines 62-63; column 4, lines 65-67).
- b. Generating an illustration that provides details of a proposed life insurance policy that may be issued by an insurance provider in accordance with parameters of the life insurance application (Hanby: column 4, lines 1-2).

- c. Obtaining a commitment from the insurance policy applicant for purchase of a life insurance policy in accordance with parameters of the life insurance application (Hanby: column 4, lines 1-3).
  - d. Receiving a certification via an electronic data communications link that confirms whether the generated illustration was delivered to the insurance policy applicant at the time of commitment for purchase of the insurance policy (Hanby: column 4, lines 24-25; column 9, lines 4-8).
7. As per claim 2, the method of claim 1 is as described above. Hanby further teaches in which the certification is received at the time the commitment for purchase of the life insurance policy is obtained (Hanby: column 7, lines 29-31). In light of the specification, the examiner interprets that certification is received when the approval letter is done.
8. As per claim 3, the method of claim 1 is as described above. Hanby further teaches in which the commitment for purchase of the life insurance policy is obtained with an authorization for electronic funds transfer (Hanby: column 7, lines 53-56; column 8, lines 5-11).
9. As per claim 4, the method of claim 1 is as described above. Hanby further teaches in which the certification is received from the insurance policy applicant and confirms receipt of the illustration at the time of commitment for purchase of the insurance policy (Hanby: column 9, lines 8-9). In light of the specification, the

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examiner interprets that the transmission of documents is done instantaneously where if it were not received, the person generating the proposal would be notified.

10. As per claim 5, the method of claim 1 is as described above. Hanby further teaches in which the certification is received from an agent of the insurance provider and confirms that the illustration was provided to the insurance policy applicant at the time of the commitment for purchase of the insurance policy (Hanby: column 9, lines 8-9).

11. As per claim 6, the method of claim 5 is as described above. Hanby further teaches in which the agent's certification confirms that the illustration was provided electronically to the insurance policy applicant (Hanby: column 6, lines 59-62).

12. As per claim 7, the method of claim 5 is as described above. Hanby further teaches in which the agent's certification confirms that the illustration was provided through postal or courier deliver (Hanby: column 6, lines 59-62).

13. As per claim 8, the method of claim 1 is as described above. Hanby further teaches in which the certification is received from the insurance policy applicant and confirms that no illustration was delivered at the time of commitment for purchase and requests that the illustration be delivered at the time the insurance policy is delivered (Hanby: column 9, lines 64-67).

14. As per claim 9, the method of claim 1 is as described above. Hanby further teaches issuing via an electronic data communications link a temporary insurance certificate that is personalized for the individual to be insured according to the life

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insurance policy, accompanied by a temporary life insurance agreement specifying terms of legally binding temporary life insurance coverage that is extended to the individual pending issuance of the purchased insurance policy (Hanby: column 9, lines 8-10).

15. As per claim 10, Hanby teaches a method for online processing of a life insurance application, comprising:

- a. Receiving information via an electronic data communications link that identifies an individual to be insured and describes the insurability of the individual (Hanby: column 3, lines 62-63; column 4, lines 65-67).
- b. Receiving information via an electronic data communications link from a third party that confirms the identification of the individual to be insured (Hanby: column 5, lines 6-14).
- c. Obtaining a commitment for purchase of a life insurance policy to be issued by an insurance provider in accordance with parameters of the life insurance application (Hanby: column 4, lines 1-3).
- d. Issuing via an electronic data communications link a temporary insurance certificate that is personalized for the individual according to the life insurance policy, accompanied by a temporary life insurance agreement specifying terms of legally binding temporary life insurance that is extended to the individual pending issuance of the purchased insurance policy (Hanby: column 9, lines 8-10).



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16. As per claim 11, the method of claim 10 is as described above. Hanby further teaches in which the third party is a trusted person having a capacity to confirm the identification of the individual (Hanby: column 5, lines 6-14).

17. As per claim 12, the method of claim 11 is as described above. Hanby further teaches in which the trusted person is an agent of the insurance provider (Hanby: figure 1; column 5, lines 6-14). In light of the specification, the examiner interprets the validation to be done by the agent of the insurance provider since that agent makes the generation of the policy dependent on the validation of identity.

18. As per claim 13, the method of claim 10 is as described above. Hanby further teaches in which the third party confirms the identification of the individual by accessing an electronic database and verifies the identification of the individual based on information in the electronic database (Hanby: column 5, lines 6-21).

19. As per claim 14, the method of claim 10 is as described above. Hanby further teaches in which the personalized temporary insurance certificate includes information identifying the individual, information identifying the insurance policy to be issued to the individual, and the amount of insurance coverage provided by the temporary life insurance agreement.

20. As per claim 15, Hanby teaches a method for online processing of a life insurance application, comprising:

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- a. Receiving information via an electronic data communications link that identifies the individual to be insured and describes the insurability of the individual (Hanby: column 3, lines 62-63; column 4, lines 65-67);
- b. Obtaining a commitment from the insurance policy applicant for purchase of a life insurance policy to be issued by an insurance provider in accordance with parameters of the life insurance application (Hanby: column 4, lines 1-3); and
- c. Receiving an authorization via an electronic data communications link (Hanby: column 7, lines 53-56; column 8, lines 5-11) that authorizes immediate collection of medical history information from one or more third parties concerning the individual to be insured (Hanby: column 4, lines 65-67) for purposes of issuing the life insurance policy, in which the authorization is received in connection with obtaining the commitment for purchase of the life insurance policy. In light of the specification, the examiner interprets that authorization for a credit card charge or electronic funds transfer is sufficient to collect medical history information. The examiner also interprets "other medium" to collect medical history information to be the same as collecting from a third party.

21. As per claim 16, the method of claim 15 is as described above. Hanby further teaches the authorization is received as a result of an agent of the insurance provider receiving authorization from the life insurance applicant (Hanby: column 7, lines 53-56;

column 8, lines 5-11) and submitting the life insurance application to the insurance provider via an electronic data communications link (Hanby: column 3, lines 60-66).

22. As per claim 17, the method of claim 15 is as described. Hanby further teaches the authorization is received as a result of the life insurance applicant initiating an electronic submission that acknowledges the authorization (Hanby: column 7, lines 53-56; column 8, lines 5-11). In light of the specification, the examiner interprets that in submitting billing information the applicant acknowledges that he or she is authorizing to submit an electronic application.

23. As per claim 18, the method of claim 15 is as described above. Hanby further teaches the authorization is received prior to obtaining the commitment for purchase of the life insurance policy (Hanby: column 4, lines 3-18). In light of the specification, the examiner interprets "relevant information" to contain authorization. The examiner also interprets that when the policy is being viewed, the client has not yet committed to the purchase, but is done later (Hanby: column 4, lines 19-20).

24. As per claim 20, the method of claim 15 is as described above. Hanby further teaches issuing via an electronic data communications link a temporary insurance certificate that is personalized for the individual to be insured according to the life insurance policy, accompanied by a temporary life insurance agreement specifying terms of legally binding temporary life insurance that is extended to the individual pending issuance of the purchased insurance policy (Hanby: column 9, lines 8-10).

25. As per claim 21, Hanby teaches a computer system for online processing of a life insurance application, comprising an application processing server in a distributed computing environment in electronic communication with a life insurance applicant, wherein the application processing server is configured with computer-implemented instructions to receive a life insurance application via an electronic data communications link (Hanby: column 3, lines 60-67; In light of the specification, the examiner interprets the "QE module" to be the same as an application processing server), the life insurance application identifying an individual to be insured and describing the insurability of the individual (Hanby: column 3, lines 62-63), and further to obtain a commitment for purchase of a life insurance policy to be issued by an insurance provider in accordance with parameters of the life insurance application (Hanby: column 4, lines 1-3), the application processing server issuing via the electronic data communications link a temporary insurance certificate that is personalized for the individual according to the life insurance policy and accompanied by a temporary life insurance agreement specifying terms of legally binding temporary life insurance that is extended to the individual pending issuance of the purchased insurance policy (Hanby: column 4, lines 27-30).

26. As per claim 22, the system of claim 21 is as described above. Hanby further teaches the application processing server is further configured to receive information via an electronic data communications link from an agent of the insurance provider

confirming that the identification of the individual to be insured has been verified (Hanby: column 5, lines 1-14).

27. As per claim 23, the system of claim 21 is as described above. Hanby further teaches the application processing server is further configured to automatically confirm identification information of the individual to be insured by requesting verification from a third party based on an external electronic database maintained by the third party (Hanby: column 5, lines 1-14). In light of the specification, the examiner interprets the validation process to be done by a third party due to the information being accessed to a database that is not local but external from the client's network.

28. As per claim 24, the system of claim 21 is as described above. Hanby further teaches the application processing server is further configured to generate an illustration providing details of a proposed life insurance policy that may be issued by the insurance provider in accordance with parameters of the life insurance application (Hanby: column 4, lines 1-2; column 9, lines 4-5), and receive a certification via an electronic data communications link confirming whether the generated illustration was delivered to the insurance policy applicant at the time of commitment for purchase of the insurance policy (Hanby: column 9, lines 5-10). In light of the specification, the examiner interprets that the documents are transferred instantaneously, therefore if it was not delivered, the client would send a message to the insurance provider stating it did not receive the documents.

29. As per claim 25, the system of claim 21 is as described above. Hanby further teaches the personalized temporary insurance certificate includes information identifying the individual to be insured (Hanby: claim 1C), information identifying the insurance policy to be issued to the individual (Hanby: column 6, lines 12-22), and the amount of insurance coverage provided by the temporary life insurance agreement (Hanby: column 5, lines 40-65).

30. As per claim 26, the system of claim 21 is as described above. Hanby further teaches the application processing server is further configured to receive an authorization via an electronic data communications link (Hanby: column 7, lines 53-56; column 8, lines 5-11) that authorizes the insurance provider to immediately begin collecting medical history information from one or more third parties concerning the individual to be insured (Hanby: column 4, lines 65-67) for purposes of issuing the life insurance policy.

31. As per claim 27, the system of claim 26 is as described above. Hanby further teaches the application processing server receives the authorization (Hanby: column 7, lines 53-56; column 8, lines 5-11) in connection with obtaining the commitment for purchase of the life insurance policy (Hanby: column 4, lines 1-3). In light of the specification, the examiner interprets that in collecting the commitment for purchase, the client is aware that it is authorizing the insurance provider.

***Claim Rejections - 35 USC § 103***

32. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

33. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over a single reference, Hanby.

34. Hanby teaches a method according to claim 15 as indicated above.

Hanby further shows a method where the authorization is received prior to obtaining the commitment for purchase of the life insurance policy (Hanby: column 4, lines 3-18).

Hanby does not show the method where the authorization is received after obtaining the commitment for purchase of the life insurance policy.

The Examiner notes, shifting the timeframe associated with the authorization does not modify the method for online processing of a life insurance policy. To have modified Hanby to have included various authorization timeframes would have been obvious to the skilled artisan because the inclusion of such step would have been an obvious matter of design choice in light of the method already disclosed by Hanby. Such modification would not have otherwise affected Hanby and would have merely represented one of numerous steps that the skilled artisan would have found obvious for the purposes already disclosed by Hanby. Additionally, applicant has not

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persuasively demonstrated the criticality of providing this arrangement versus the arrangement discloses in Hanby. See *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheetal R. Rangrej whose telephone number is 571-270-1368. The examiner can normally be reached on 4/10.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Nolan can be reached on 571-272-0847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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